

## **REMARKS**

### **Amendments and Status of Claims**

Before entry of this paper, claims 22, 23, 25-33, and 36-42 are pending in this application for further examination on the merits, while claims 34 and 35 have been withdrawn.

In this paper, claims 22, 25, and 31 have been amended. In particular, claim 22 has been amended to incorporate the feature of now-cancelled claim 26. Claim 25 has been amended to correct minor informalities. And claim 31 has been amended for further clarification. Support for the amendments can be found throughout the specification including the claims as originally presented.

No new matter has been added.

The amendment or cancellation of any claims herein is without prejudice or disclaimer of the subject matter thereof and was done solely to expedite prosecution of the present application. Applicants respectfully reserve the right to pursue the original subject matter of this application in a later-filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

Reconsideration and withdrawal of the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is in condition for allowance.

### **Telephone Conference With Examiner**

Applicants want to take this opportunity to thank the Examiner for permitting a telephone interview with the undersigned representative on April 2, 2010. During the telephone conference, the Examiner and the undersigned representative discussed a possibility of amending claims of this application to overcome the 103(a) rejection as set forth in the present Office Action. No final agreement was reached.

### **Claim Objection**

Claims 26, 28, 29, and 38-40 have been objected to in the Office Action for being based upon a rejected claim. The objection to claim 26 is now moot. Applicants further submit that the objection against the rest of the claims should be withdrawn in view of the claim amendments and remarks presented herein.

### **Claim Rejection Under 35 U.S.C. §112**

In this Action, claim 31 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The rejection is traversed.

Nevertheless, without conceding the validity of the rejection and solely for facilitating the prosecution of the present application, claim 31 has been amended in accordance with the Examiner's suggestions set forth at page 4 of the Office Action. As such, Applicants respectfully submit that the claim as amended is clear and definite.

Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, of claim 31 is proper and the same is requested.

### **Claim Rejection Under 35 U.S.C. §103(a)**

Claims 22, 23, 25, 27, 30, 31-33, and 36-37 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hcaplus 2001:278024 (hereinafter "Hcaplus") in view of Patani *et. al* ("Bioisosterism: A Rational Approach in Drug Design", Chem. Rev. 1996, 96, 3147-3176; hereinafter "Patani"). Specifically, the Office asserts that it would have been obvious to a skilled artisan to modify the Hcaplus compound in view of Patani's teaching on bioisosteres to arrive at the instantly claimed subject matter. Applicants disagree and hereby traverse.

Nevertheless, without conceding the validity of the rejection and solely for facilitating the prosecution of the present application, independent claim 22 has been amended to incorporate the feature of claim 26 (and claim 26 has been cancelled). Applicants note that claim 26 as previously presented has not been rejected over Hcaplus and Patani. Applicants thus submit that the instant rejection does not apply to the claims as amended.

Applicants respectfully submit that Hcaplus, either considered alone or in combination with Patani, does not establish a *prima facie* case of obviousness of the claimed subject matter. Accordingly, reconsideration and withdrawal of the rejection

under 35 U.S.C. §103(a) of claims 22, 23, 25, 27, 30, 31-33, and 36-37 is proper and the same is requested.

**Rejoinder of Claims**

Applicants note that claims 34 and 35 are presently indicated as withdrawn from the examination on the merits. It is noted that claims 34 and 35 are commensurate in scope with the compound claims as presented. Applicants contend that the compound claims are now allowable. Applicants further contend that the examination of claims 34 and 35 does not impose undue burden to the Office. Applicants respectfully submit that the rejoinder and examination of claims 34 and 35 is proper and the same is requested.

**CONCLUSION**

In view of the claim amendments and remarks made herein, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested.

The Commissioner is authorized to charge the extension fee and any other fees associated with this submission to our Deposit Account No. 04-1105, Reference 66540(46590). Any overpayment should be credited to said deposit account.

Dated: April 5, 2010

Respectfully submitted,

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